

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Applicant thanks the Examiner for the effort put into examining the present application.

Applicant notes that claims 1-9, 11-22, 26-29 are presently active, not just claims 1-9, 11-22, 26-27 as noted on the Office Action Summary. Claims 1, 6, 13, 15, 20, and 28 have been amended, no claims have been added or deleted.

Regarding application of Amdahl to the claimed embodiments in the various §102 and §103 rejections, it is respectfully submitted that Amdahl does not operate as suggested by the Office and therefore the rejections cannot, it is believed, be maintained. In particular, Applicant believes Amdahl fails to teach or suggest physically rewriting the MAC address value in the receive address filtering table present in a network interface card (NIC). That is, the address filtering table contains the NIC's MAC value which the NIC may compare to a packet received over a network so that the NIC may determine whether that particular packet is intended for it.

Each independent claim series has been amended to clarify (or introduce the idea if not already present, e.g., claim 20) and recite that when a NIC fails, the MAC address of the failed NIC is written into the receive address filtering table physically stored in a memory within the operational NIC taking over for the failed NIC. It is respectfully submitted that modifying the physical hardware as presently recited is not taught or suggested by the documents relied on by the Office.

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In particular, the Office cites Amdahl at col. 9 lines 63-67 as teaching the recited updating of a MAC address. It is respectfully submitted that the updating performed by Amdahl is materially different than what is performed in the recited claims because Amdahl at col. 9 line 66 – col. 10 line 2 only teaches updating a driver configuration table (DCT), rather than the physical NIC hardware itself. There is no explicit or implied teaching anywhere in Amdahl of modifying the physical NIC hardware, nor is the Amdahl DCT referenced again within the patent.

In fact, later on within the reference when describing examples of Amdahl operation, Amdahl states “each NIC has a unique MAC address” (col. 21 line 57), and states “the MAC address in the header is changed and the packet is received and processed by the less heavily loaded processor” (col. 22 lines 25-26 and lines 59-61) and points out that such processing will be pointed out in greater detail with respect to figures 1-10 (col. 22 line 62). Thus, it is respectfully submitted that Amdahl fails, in fact, to teach the recited updating of the memory/table stored in a NIC and thus cannot be used individually or combined as suggested to effectively perform recited embodiments.

While claim 20 required modification to include the physical adjustment to the NIC memory, Applicant notes this functionality was already present in claims 1, 6, and 13 and thus the term “for” was simply replaced with “stored in” to clarify inventive intent. Regarding claim 13, the functionality was also claimed but further changes were made to show the intended relationship as exemplified by claims 1, 6, and 13.

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Thus, application believe that due to the failings of Amdahl, the rejections of claims 20, 21, 28, and 29 under 35 USC §102(e) as being anticipated by Amdahl U.S. Patent No. 6,253,334) have been overcome.

Similarly, it is submitted the rejection under 35 USC §103(a) of claims 1-3, 6, 11-14 and 26 as being obvious over Amdahl and Huang (US Pat. No. 6,308,282) must be withdrawn since the failing of Amdahl renders the combination unworkable and unable to teach or suggest the recited claims.

Similarly, the rejection under 35 USC §103(a) of claims 1-3, 6, 11-14 and 26 as being obvious over Amdahl, Huang, and Fu ("The Design of A low Cost Local Area Network Using Netware", pages 40-43) must also be withdrawn since the failing of Amdahl renders the combination unworkable and failing to teach or suggest the recited claims.

The dependent claims, while introducing various limitations believed to distinguish further the claims over the documents relied on by the Office, the merits of the rejections of these claims are not being addressed at this time in order to focus prosecution on the merits of the independent claims as amended. These claims are believed allowable for at least the reason as depending from allowable base claims.

For at least the foregoing reasons, Applicants submit all rejections have been overcome and therefore respectfully solicit passage to issuance of claims 1-9, 11-22, 26-29 are in condition for allowance and such action is earnestly solicited. As noted

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above, the Examiner is respectfully requested to contact the undersigned by telephone as such contact is believed would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

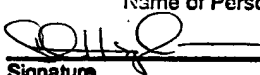
Respectfully submitted,

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